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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yoshiaki HAMANO et al.

Group Art Unit: 1745

Application No.: 10/713,104

Examiner: R. ALEJANDRO

Filed: November 17, 2003

Docket No.: 117786

For: POSITIVE ELECTRODE MATERIAL FOR LITHIUM SECONDARY BATTERY,
METHOD FOR PRODUCING THE SAME, AND LITHIUM SECONDARY
BATTERY

RESPONSE TO RESTRICTION/ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the August 9, 2006, Restriction/Election of Species Requirement,

Applicants provisionally elect Group I, claims 1-6 and 10-18 and Species I, with traverse.

Claims 1-4, 10, and 14-16 read on the elected species. Claim 1 is generic to all species.

It is also respectfully submitted that the subject matter of all claims and species is sufficiently related that a thorough search for the subject matter of any one Group of claims and species would encompass a search for the subject matter of the remaining claims and species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it states "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should

apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Applicants further understand, however, that upon search, examination, and allowance of the elected species, search and examination will continue as to the non-elected species within the scope of the generic claims.

Thus, withdrawal of the Restriction/Election of Species Requirement is respectfully requested.

Respectfully submitted,


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Date: September 11, 2006

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